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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

SCARLET HONOLULU, INC. and
WALTER ENRIQUEZ d/b/a GAY
ISLAND GUIDE,

Plaintiffs,

-against-

HONOLULU LIQUOR COMMISSION.

Defendant.

Civil No.: 1:21-cv-457-DKW-KJM

**DECLARATION OF
JHUMAR RAY WAITE**

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I, JHUMAR RAY WAITE, declare as follows:

1. My name is Jhumar Ray Waite. I am over the age of 18 and am competent to testify as to the matters set forth herein. The facts stated in this affidavit are based on my personal knowledge and observation.

2. I am currently employed as a Liquor Investigator I with the Honolulu Liquor Commission (HLC), but I am on paid administrative leave subsequent to

lodging complaints of discrimination and harassment against supervising investigators Jacob Fears, Glen Nishigata, and Catherine Fontaine.

3. Before my leave began, my duties primarily involved training under HLC Investigator Jacob Fears. During our patrols, particularly when we drove by the One Waterfront Towers on South Street, he would routinely point towards the building, noting, “that is where ‘they’ live.” During our first drive past, he identified "they" as Robert Baldwin and Rob Sobieralski, individuals I had not known about previously. These comments were not made in confidence; others were always present in the vehicle.

4. Investigator Fears would noticeably slow down the vehicle each time we passed their residence. On at least two occasions, he remained silent, attentively scanning the building as if on the lookout for someone.

5. This behavior was not exclusive to Investigator Fears. On a separate occasion with Investigator Fontaine, she too gestured towards the ‘Robs’ residence, voicing her exasperation regarding this lawsuit and her endeavors to secure a temporary restraining order against Rob Sobieralski.

6. The repeated nature of these incidents and the context in which they were made led me to feel unsettled and to surmise that Investigators Fears and Fontaine were deliberating on their next course of action.

Dated: 11/09/2023

JRW



Jhumar Ray Waite
